

**ASSEMBLY BILL**

**No. 1519**

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**Introduced by Committee on Judiciary (Assembly Members Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, Holden, and O'Donnell)**

March 10, 2015

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An act to amend Sections 2104 and 17325 of the Family Code, and to add Section 69619 to the Government Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as introduced, Committee on Judiciary. Judiciary omnibus: family support.

(1) Existing law obligates a parent to support his or her child. Existing law establishes the Department of Child Support Services within the California Health and Human Services Agency, which administers all services and performs all functions necessary to establish, collect, and distribute child support. Existing law requires, if child support payments are directly deposited to an account of the recipient's choice, that the payments only be deposited to a qualifying account, as defined, and prohibits a person or entity that issues a prepaid card or maintains or manages a prepaid card account from accepting or facilitating the direct deposit of child support payments to a prepaid card account that does not meet the requirements of a qualifying account. Existing law prohibits the Department of Child Support Services from being held liable for authorizing a direct deposit of child support payments into a prepaid card account designated by the recipient that does not meet the requirements of a qualifying account.

This bill would specify that the Department of Child Support Services has no obligation to determine whether an account at the financial institution of the recipient's choice is a qualifying account.

(2) Existing law requires each party to a proceeding for dissolution of marriage or legal separation of the parties to serve on the other party a preliminary declaration of disclosure of assets, as specified, either concurrently with the petition for dissolution, or within 60 days of filing the petition.

This bill would clarify that the petitioner is required to serve the preliminary declaration of disclosure either concurrently with the petition for dissolution or legal separation or within 60 days of filing the petition.

(3) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts upon the occurrence of specified conditions, including that the proposed action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, existing law authorizes up to 10 additional subordinate judicial officer positions to be converted to judgeships in any fiscal year if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2015–16 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2104 of the Family Code is amended to
- 2 read:
- 3 2104. (a) Except by court order for good cause, as provided
- 4 in Section 2107, in the time period set forth in subdivision (f), each

1 party shall serve on the other party a preliminary declaration of  
2 disclosure, executed under penalty of perjury on a form prescribed  
3 by the Judicial Council. The commission of perjury on the  
4 preliminary declaration of disclosure may be grounds for setting  
5 aside the judgment, or any part or parts thereof, pursuant to Chapter  
6 10 (commencing with Section 2120), in addition to any and all  
7 other remedies, civil or criminal, that otherwise are available under  
8 law for the commission of perjury. The preliminary declaration of  
9 disclosure shall include all tax returns filed by the declarant within  
10 the two years prior to the date that the party served the declaration.

11 (b) The preliminary declaration of disclosure shall not be filed  
12 with the court, except on court order. However, the parties shall  
13 file proof of service of the preliminary declaration of disclosure  
14 with the court.

15 (c) The preliminary declaration of disclosure shall set forth with  
16 sufficient particularity, that a person of reasonable and ordinary  
17 intelligence can ascertain, all of the following:

18 (1) The identity of all assets in which the declarant has or may  
19 have an interest and all liabilities for which the declarant is or may  
20 be liable, regardless of the characterization of the asset or liability  
21 as community, quasi-community, or separate.

22 (2) The declarant's percentage of ownership in each asset and  
23 percentage of obligation for each liability where property is not  
24 solely owned by one or both of the parties. The preliminary  
25 declaration may also set forth the declarant's characterization of  
26 each asset or liability.

27 (d) A declarant may amend his or her preliminary declaration  
28 of disclosure without leave of the court. Proof of service of any  
29 amendment shall be filed with the court.

30 (e) Along with the preliminary declaration of disclosure, each  
31 party shall provide the other party with a completed income and  
32 expense declaration unless an income and expense declaration has  
33 already been provided and is current and valid.

34 (f) The petitioner shall serve the other party with the preliminary  
35 declaration of disclosure either concurrently with the petition for  
36 ~~dissolution~~, *dissolution or legal separation*, or within 60 days of  
37 filing the petition. The respondent shall serve the other party with  
38 the preliminary declaration of disclosure either concurrently with  
39 the response to the petition, or within 60 days of filing the response.

1 The time periods specified in this subdivision may be extended by  
2 written agreement of the parties or by court order.

3 SEC. 2. Section 17325 of the Family Code is amended to read:

4 17325. (a) (1) Notwithstanding any other law, if child support  
5 payments are directly deposited to an account of the recipient's  
6 choice, as authorized under the federal Electronic Fund Transfer  
7 Act (EFTA) (15 U.S.C. Sec. 1693 et seq.), the payments may only  
8 be deposited to an account that meets the requirements of a  
9 qualifying account, as defined in paragraph (2), for deposit of child  
10 support payments.

11 (2) For purposes of this section, a "qualifying account" is one  
12 of the following:

13 (A) A demand deposit or savings account at an insured financial  
14 institution in the name of the person entitled to the receipt of child  
15 support payments.

16 (B) A prepaid card account that meets all of the following:

17 (i) The account is held at an insured financial institution.

18 (ii) The account is set up to meet the requirements for  
19 passthrough deposit or share insurance so that the funds accessible  
20 through the account are eligible for insurance for the benefit of  
21 the person entitled to the receipt of child support payments by the  
22 Federal Deposit Insurance Corporation in accordance with Part  
23 330 of Title 12 of the Code of Federal Regulations, or the National  
24 Credit Union Share Insurance Fund in accordance with Part 745  
25 of Title 12 of the Code of Federal Regulations.

26 (iii) The account is not attached to any credit or overdraft feature  
27 that is automatically repaid from the account after delivery of the  
28 payment.

29 (iv) The issuer of the card complies with all of the requirements,  
30 and provides the holder of the card with all of the consumer  
31 protections, that apply to a payroll card account under the rules  
32 implementing the EFTA or other rules subsequently adopted under  
33 the EFTA that apply to prepaid card accounts.

34 (3) A person or entity that issues a prepaid card or maintains or  
35 manages a prepaid card account that does not comply with  
36 paragraph (2) shall not accept or facilitate the direct deposit of  
37 child support payments to the prepaid card account.

38 (b) For purposes of this section, the department shall not be held  
39 liable for authorizing a direct deposit of child support payments  
40 into a prepaid card account designated by the recipient that does

1 not comply with paragraph (2) of subdivision (a). *The department*  
2 *has no obligation to determine whether an account at the financial*  
3 *institution of the recipient's choice is a qualifying account as*  
4 *described in subdivision (a).*

5 (c) For the purposes of this section, the following definitions  
6 shall apply:

7 (1) "Financial institution" means a state or national bank, a state  
8 or federal savings and loan association, a mutual savings bank, or  
9 a state or federal credit union.

10 (2) "Issuer" means a person or entity that issues a prepaid card.

11 (3) "Payroll card account" shall have the same meaning as that  
12 term is defined in the regulations implementing the EFTA.

13 (4) "Prepaid card" or "prepaid card account" means either of  
14 the following:

15 (A) A card, code, or other means of access to funds of a recipient  
16 that is usable at multiple, unaffiliated merchants for goods or  
17 services, or usable at automated teller machines.

18 (B) The same as those terms or related terms are defined in the  
19 regulations adopted under the EFTA regarding general use  
20 reloadable cards.

21 SEC. 3. Section 69619 is added to the Government Code, to  
22 read:

23 69619. (a) The Legislature hereby ratifies the authority of the  
24 Judicial Council to convert 10 subordinate judicial officer positions  
25 to judgeships in the 2015–16 fiscal year when the conversion will  
26 result in a judge being assigned to a family law or juvenile law  
27 assignment previously presided over by a subordinate judicial  
28 officer, pursuant to subparagraph (C) of paragraph (1) of  
29 subdivision (c) of Section 69615.

30 (b) The action described in subdivision (a) shall be in addition  
31 to any action that may be taken pursuant to the authority described  
32 in subparagraph (B) of paragraph (1) of subdivision (c) of Section  
33 69615 to convert up to 16 subordinate judicial officer positions to  
34 judgeships.